

KANDA, et al.
Appl. No. 09/971,773
February 2, 2005

REMARKS

Reconsideration is requested.

The Examiner interview of December 10, 2004, is acknowledged, with appreciation. The Interview Summary is accurate in its brief review of the issues discussed during the interview. A paper copy of the substance of the slide presentation discussed during the interview was submitted December 17, 2004.

The Examiner telephonic interview of February 1, 2005 is acknowledged, with appreciation. The undersigned discussed with the Examiner on February 1, 2005, the Advisory Action of January 25, 2005 and the above further amendments are submitted as a result of the interview of February 1, 2005 and the undersigned's understanding of claims which the Examiner may likely believe are allowable. The claims have been further amended without prejudice and to advance prosecution. The amendments have been made above with the understanding that the Amendment of December 17, 2004 has not been entered.

Claims 1-68 have been canceled, without prejudice. Claims 69-84 have been added.

The claims are believed to read on the elected invention.

The claims reciting the specific structure of, for example, claim 70 of the Amendment dated December 17, 2004, has not been included in the above as the undersigned believes that the Examiner indicated during the teleconference of February 1, 2005, that as these specific structures had not been examined prior to the final rejection, consideration of these specific structures after final rejection would raise new issues requiring further consideration and/or search.

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The claims of the Amendment dated December 17, 2004, referring specifically to plants have not been included above as the undersigned believes that the Examiner indicated during the teleconference of February 1, 2005, that these claims did not read on the elected invention and/or also raised new issues requiring further consideration and/or search.

The claims are believed to be supported by the specification. No new matter has been added. The claims are not believed to raise new issues requiring further search and/or consideration.

Finally, the undersigned noted to the Examiner during the teleconference of February 1, 2005, that page 10, of the Amendment filed December 17, 2004, included the following concise explanation of the alleged relevance of the previously-cited Furukawa et al (Protein, Nucleic Acid and Enzyme, 43, 2309-2317 (1998)) reference:

"the cited document is understood to disclose that (i) the survival ratio of beta-1,4-galactosyltransferase knockout mice is low, (ii) beta-1,4-galactosyltransferase activity was found even in the above knockout mice, although the activity is low, and (iii) there are plural beta-1,4-galactosyltransferases in the living body."

Consideration of the reference and return of an initialed copy of the previously-submitted PTO 1449 Form, pursuant to MPEP § 609, are requested.

Acknowledgement of the certified copies of the priority document filed August 12, 2004 is requested. A copy of the undersigned's post card receipt from the filing of August 12, 2004 was submitted December 17, 2004, as evidence of the Patent Office receipt of the noted documents. A verified English language translation of the priority documents has been filed December 28, 2004, as required by the Examiner on page 3

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of the Office Action dated November 3, 2004. The English translations are contained in the USPTO IFW as separated documents which appear to be catalogued as if the documents were further copies of the present specification and claims. The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

The specification was amended August 12, 2004 to include a cross-reference to the parent applications.

Acknowledgement of the acceptance of the drawings in the Office Action of November 3, 2004 is noted with appreciation.

The Rule 75 objection of claims 2, 19 and 63 will be moot upon entry of the above amendments. Entry of the amendments and withdrawal of the objection are requested.

The Section 112, second paragraph, rejection of claims 1, 12, 19 and 63 will be moot upon entry of the above amendments. The applicants have amended the claims, without prejudice, to advance prosecution. Entry of the above amendments is requested.

The Section 112, first paragraph "written description", rejection of Claims 4 and 23 will be moot upon entry of the above amendments. The claims have been amended to clearly indicate that the enzymes involved in the invention are not those which modify sugars containing fucose, for example, after they are bound to the recited antibody, as the Examiner had apparently interpreted claims 4 and 23. Entry of the above amendments is requested to advance prosecution.

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The Section 112, first paragraph "enablement", rejection of Claims 1-4, 12-20, 23, 31-34, 36-40, 62-64 and 65-68, will be moot upon entry of the above amendments.

The Examiner's indication that the specification teaches one of ordinary skill in the art the subject matter described on page 9 of the Office Action dated November 3, 2004, is acknowledged, with appreciation. As discussed during the Examiner interview however, the applicants believe that the specification provides a broader teaching, such as defined in the above claims. The previously-submitted evidence from the Examiner Interview is believed to adequately demonstrate that the specification provides an enabling teaching of the above claims. Entry of the present Amendment is requested.

The claims, as amended above, are submitted to be in condition for allowance and entry of the above amendments and a Notice of Allowance are requested.

The Examiner is requested to contact the undersigned in the event anything further is required.

Respectfully submitted,

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By: _____


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